

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Public Works	(2) MEETING DATE 8/21/2012	(3) CONTACT/PHONE Phil Acosta, Right of Way Agent (805) 781-5290	
(4) SUBJECT Submittal of a resolution authorizing conveyance of a 0.3 acre interest in a portion of Hutton Road right of way south of Cuyama Lane to the State of California by Quitclaim Deed for the Highway 101 Santa Maria River Bridge bike path. District 4.			
(5) RECOMMENDED ACTION It is our recommendation that your Honorable Board: <ol style="list-style-type: none"> <li>1. Adopt the resolution, by a 4/5<sup>th</sup>'s vote, authorizing conveyance of a portion of unused Hutton Road right of way to the State of California for the Highway 101 Santa Maria River Bridge bike path; and</li> <li>2. Execute the Quitclaim Deed, and direct the Clerk to return the executed Quitclaim Deed to the Department of Public Works for transmittal to the State of California for their acceptance and recording.</li> </ol>			
(6) FUNDING SOURCE(S) N/A	(7) CURRENT YEAR FINANCIAL IMPACT N/A	(8) ANNUAL FINANCIAL IMPACT N/A	(9) BUDGETED? No
(10) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. _____) <input type="checkbox"/> Board Business (Time Est. _____)			
(11) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: N/A <input checked="" type="checkbox"/> 4/5th's Vote Required <input type="checkbox"/> N/A	
(14) LOCATION MAP Attached	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input checked="" type="checkbox"/> N/A    Date	
(17) ADMINISTRATIVE OFFICE REVIEW  <i>Nikki J. Schmidt</i>			
(18) SUPERVISOR DISTRICT(S) District 4 -			

Reference: 12AUG21-C-5

# County of San Luis Obispo



TO: Board of Supervisors

FROM: Public Works

Phil Acosta, Right of Way Agent

VIA: Dave Flynn, Deputy Director of Public Works

DATE: 8/21/2012

SUBJECT: Submittal of a resolution authorizing conveyance of a 0.3 acre interest in a portion of Hutton Road right of way south of Cuyama Lane to the State of California by Quitclaim Deed for the Highway 101 Santa Maria River Bridge bike path. District 4.

## **RECOMMENDATION**

It is our recommendation that your Honorable Board:

1. Adopt the resolution, by a 4/5<sup>th</sup>'s vote, authorizing conveyance of a portion of unused Hutton Road right of way to the State of California for the Highway 101 Santa Maria River Bridge bike path; and
2. Execute the Quitclaim Deed, and direct the Clerk to return the executed Quitclaim Deed to the Department of Public Works for transmittal to the State of California for their acceptance and recording.

## **DISCUSSION**

The State has commenced construction of the widening of the Highway 101 Santa Maria River Bridge at the Santa Barbara-San Luis Obispo County line. The project includes the construction of a separated bike path along the west side of the freeway. The bike path will enter Hutton Road from the north and will then cross the new Highway 101 Bridge and exit onto the Santa Maria River Levee to access points south. The State currently asserts control of the subject area pursuant to Streets and Highways Code 83 which supports such a claim when the pertinent right of way is applied to freeway related use. However, there exists a small remnant of Hutton Road right of way, previously relinquished to the County, on which the bike path will be constructed. Consequently, the recommended action will transfer the remnant area from the County right of way to the State right of way.

### **Background**

The County received certain rights of way by Relinquishment No. 1055 from the State of California recorded November 20, 1962, Book 1212, Pages 177-178. A portion of the relinquished right of way has been maintained by the County as Hutton Road. The subject portion of the previously

relinquished right of way lies south of the constructed Hutton Road cul-de-sac and is not identified in the County maintained road system.

The County does not require the subject right of way and has no plans to improve it. By eliminating the County's title interest in this real property by conveyance to the State, Caltrans will assume full control and maintenance of this new Class 1 bike facility.

### **OTHER AGENCY INVOLVEMENT/IMPACT**

County Counsel has approved the attached documents as to legal form and effect and the Clerk Recorder's Office has posted Notice of the proposed conveyance pursuant to Government Code 6061.

The California Department of Transportation (Caltrans) is the Lead Agency under the California Environmental Quality Act (CEQA) for the State Maria River Bridge project; Caltrans prepared and adopted a Mitigated Negative Declaration (MND) for the project in 2006. Caltrans has prepared the attached conveyance exhibit. The Board's action to convey right-of-way for the project is consistent with the MND.

Caltrans has also agreed to accept this conveyance and maintain the bike path facility.

### **FINANCIAL CONSIDERATIONS**

The parcels are proposed for conveyance with no monetary consideration. Non-monetary consideration includes the State's resumption of primary responsibility and liability for the real property interest.

### **RESULTS**

Approval of the recommended actions will result in conveyance of a portion of unused Hutton Road right of way back to the State for the completion of the bike path link over the Santa Maria River. This will provide for a more livable community.

c: Lisa Lowerison, Caltrans District 5 Project Manager

File: 405R980150 Roads - General

Reference: 12AUG21-C-5

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### **ATTACHMENTS**

1. Vicinity Map
2. Resolution Authorizing Conveyance of Unused Right of Way to the State of California by Quitclaim Deed
3. Exhibit A to Resolution
4. Exhibit B to Resolution
5. Quitclaim Deed
6. Exhibit A to Quitclaim Deed
7. Exhibit B to Quitclaim Deed